
HOUSE BILL 1002

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By Representatives Ruderman, Rockefeller, Santos, Lambert, Darneille, Haigh, McIntire and Hunt

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1 AN ACT Relating to the public inspection and copying of
2 residential addresses or residential phone numbers of public
3 employees or volunteers of public agencies; and reenacting and
4 amending RCW 42.17.310.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 42.17.310 and 2000 c 134 s 3, 2000 c 56 s 1, and 2000
7 c 6 s 5 are each reenacted and amended to read as follows:

8 (1) The following are exempt from public inspection and
9 copying:

10 (a) Personal information in any files maintained for students
11 in public schools, patients or clients of public institutions or
12 public health agencies, or welfare recipients.

13 (b) Personal information in files maintained for employees,
14 appointees, or elected officials of any public agency to the
15 extent that disclosure would violate their right to privacy.

16 (c) Information required of any taxpayer in connection with the
17 assessment or collection of any tax if the disclosure of the
18 information to other persons would (i) be prohibited to such

1 persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or
2 (ii) violate the taxpayer's right to privacy or result in unfair
3 competitive disadvantage to the taxpayer.

4 (d) Specific intelligence information and specific
5 investigative records compiled by investigative, law enforcement,
6 and penology agencies, and state agencies vested with the
7 responsibility to discipline members of any profession, the
8 nondisclosure of which is essential to effective law enforcement
9 or for the protection of any person's right to privacy.

10 (e) Information revealing the identity of persons who are
11 witnesses to or victims of crime or who file complaints with
12 investigative, law enforcement, or penology agencies, other than
13 the public disclosure commission, if disclosure would endanger any
14 person's life, physical safety, or property. If at the time a
15 complaint is filed the complainant, victim or witness indicates a
16 desire for disclosure or nondisclosure, such desire shall govern.
17 However, all complaints filed with the public disclosure
18 commission about any elected official or candidate for public
19 office must be made in writing and signed by the complainant under
20 oath.

21 (f) Test questions, scoring keys, and other examination data
22 used to administer a license, employment, or academic examination.

23 (g) Except as provided by chapter 8.26 RCW, the contents of
24 real estate appraisals, made for or by any agency relative to the
25 acquisition or sale of property, until the project or prospective
26 sale is abandoned or until such time as all of the property has
27 been acquired or the property to which the sale appraisal relates
28 is sold, but in no event shall disclosure be denied for more than
29 three years after the appraisal.

30 (h) Valuable formulae, designs, drawings, computer source code
31 or object code, and research data obtained by any agency within
32 five years of the request for disclosure when disclosure would
33 produce private gain and public loss.

34 (i) Preliminary drafts, notes, recommendations, and intra-
35 agency memorandums in which opinions are expressed or policies
36 formulated or recommended except that a specific record shall not
37 be exempt when publicly cited by an agency in connection with any
38 agency action.

1 (j) Records which are relevant to a controversy to which an
2 agency is a party but which records would not be available to
3 another party under the rules of pretrial discovery for causes
4 pending in the superior courts.

5 (k) Records, maps, or other information identifying the
6 location of archaeological sites in order to avoid the looting or
7 depredation of such sites.

8 (l) Any library record, the primary purpose of which is to
9 maintain control of library materials, or to gain access to
10 information, which discloses or could be used to disclose the
11 identity of a library user.

12 (m) Financial information supplied by or on behalf of a person,
13 firm, or corporation for the purpose of qualifying to submit a bid
14 or proposal for (i) a ferry system construction or repair contract
15 as required by RCW 47.60.680 through 47.60.750 or (ii) highway
16 construction or improvement as required by RCW 47.28.070.

17 (n) Railroad company contracts filed prior to July 28, 1991,
18 with the utilities and transportation commission under RCW
19 81.34.070, except that the summaries of the contracts are open to
20 public inspection and copying as otherwise provided by this
21 chapter.

22 (o) Financial and commercial information and records supplied
23 by private persons pertaining to export services provided pursuant
24 to chapter 43.163 RCW and chapter 53.31 RCW, and by persons
25 pertaining to export projects pursuant to RCW 43.23.035.

26 (p) Financial disclosures filed by private vocational schools
27 under chapters 28B.85 and 28C.10 RCW.

28 (q) Records filed with the utilities and transportation
29 commission or attorney general under RCW 80.04.095 that a court
30 has determined are confidential under RCW 80.04.095.

31 (r) Financial and commercial information and records supplied
32 by businesses or individuals during application for loans or
33 program services provided by chapters 43.163, 43.160, 43.330, and
34 43.168 RCW, or during application for economic development loans
35 or program services provided by any local agency.

36 (s) Membership lists or lists of members or owners of interests
37 of units in timeshare projects, subdivisions, camping resorts,

1 condominiums, land developments, or common-interest communities
2 affiliated with such projects, regulated by the department of
3 licensing, in the files or possession of the department.

4 (t) All applications for public employment, including the names
5 of applicants, resumes, and other related materials submitted with
6 respect to an applicant.

7 (u) The residential addresses (~~(and)~~) or residential telephone
8 numbers of employees or volunteers of a public agency which are
9 held by (~~(the)~~) any public agency in personnel records, public
10 employment related records, or volunteer rosters, or are included
11 in any mailing (~~(lists)~~) list of employees or volunteers of any
12 public agency.

13 (v) The residential addresses and residential telephone numbers
14 of the customers of a public utility contained in the records or
15 lists held by the public utility of which they are customers,
16 except that this information may be released to the division of
17 child support or the agency or firm providing child support
18 enforcement for another state under Title IV-D of the federal
19 social security act, for the establishment, enforcement, or
20 modification of a support order.

21 (w)(i) The federal social security number of individuals
22 governed under chapter 18.130 RCW maintained in the files of the
23 department of health, except this exemption does not apply to
24 requests made directly to the department from federal, state, and
25 local agencies of government, and national and state licensing,
26 credentialing, investigatory, disciplinary, and examination
27 organizations; (ii) the current residential address and current
28 residential telephone number of a health care provider governed
29 under chapter 18.130 RCW maintained in the files of the
30 department, if the provider requests that this information be
31 withheld from public inspection and copying, and provides to the
32 department an accurate alternate or business address and business
33 telephone number. On or after January 1, 1995, the current
34 residential address and residential telephone number of a health
35 care provider governed under RCW 18.130.040 maintained in the
36 files of the department shall automatically be withheld from
37 public inspection and copying unless the provider specifically

1 requests the information be released, and except as provided for
2 under RCW 42.17.260(9).

3 (x) Information obtained by the board of pharmacy as provided
4 in RCW 69.45.090.

5 (y) Information obtained by the board of pharmacy or the
6 department of health and its representatives as provided in RCW
7 69.41.044, 69.41.280, and 18.64.420.

8 (z) Financial information, business plans, examination reports,
9 and any information produced or obtained in evaluating or
10 examining a business and industrial development corporation
11 organized or seeking certification under chapter 31.24 RCW.

12 (aa) Financial and commercial information supplied to the state
13 investment board by any person when the information relates to the
14 investment of public trust or retirement funds and when disclosure
15 would result in loss to such funds or in private loss to the
16 providers of this information.

17 (bb) Financial and valuable trade information under RCW
18 51.36.120.

19 (cc) Client records maintained by an agency that is a domestic
20 violence program as defined in RCW 70.123.020 or 70.123.075 or a
21 rape crisis center as defined in RCW 70.125.030.

22 (dd) Information that identifies a person who, while an agency
23 employee: (i) Seeks advice, under an informal process established
24 by the employing agency, in order to ascertain his or her rights
25 in connection with a possible unfair practice under chapter 49.60
26 RCW against the person; and (ii) requests his or her identity or
27 any identifying information not be disclosed.

28 (ee) Investigative records compiled by an employing agency
29 conducting a current investigation of a possible unfair practice
30 under chapter 49.60 RCW or of a possible violation of other
31 federal, state, or local laws prohibiting discrimination in
32 employment.

33 (ff) Business related information protected from public
34 inspection and copying under RCW 15.86.110.

35 (gg) Financial, commercial, operations, and technical and
36 research information and data submitted to or obtained by the
37 clean Washington center in applications for, or delivery of,
38 program services under chapter 70.95H RCW.

1 (hh) Information and documents created specifically for, and
2 collected and maintained by a quality improvement committee
3 pursuant to RCW 43.70.510 or 70.41.200, or by a peer review
4 committee under RCW 4.24.250, regardless of which agency is in
5 possession of the information and documents.

6 (ii) Personal information in files maintained in a data base
7 created under RCW 43.07.360.

8 (jj) Financial and commercial information requested by the
9 public stadium authority from any person or organization that
10 leases or uses the stadium and exhibition center as defined in RCW
11 36.102.010.

12 (kk) Names of individuals residing in emergency or transitional
13 housing that are furnished to the department of revenue or a
14 county assessor in order to substantiate a claim for property tax
15 exemption under RCW 84.36.043.

16 (ll) The names, residential addresses, residential telephone
17 numbers, and other individually identifiable records held by an
18 agency in relation to a vanpool, carpool, or other ride-sharing
19 program or service. However, these records may be disclosed to
20 other persons who apply for ride-matching services and who need
21 that information in order to identify potential riders or drivers
22 with whom to share rides.

23 (mm) The personally identifying information of current or
24 former participants or applicants in a paratransit or other
25 transit service operated for the benefit of persons with
26 disabilities or elderly persons.

27 (nn) The personally identifying information of persons who
28 acquire and use transit passes and other fare payment media
29 including, but not limited to, stored value smart cards and
30 magnetic strip cards, except that an agency may disclose this
31 information to a person, employer, educational institution, or
32 other entity that is responsible, in whole or in part, for payment
33 of the cost of acquiring or using a transit pass or other fare
34 payment media, or to the news media when reporting on public
35 transportation or public safety. This information may also be
36 disclosed at the agency's discretion to governmental agencies or
37 groups concerned with public transportation or public safety.

38 (oo) Proprietary financial and commercial information that the

1 submitting entity, with review by the department of health,
2 specifically identifies at the time it is submitted and that is
3 provided to or obtained by the department of health in connection
4 with an application for, or the supervision of, an antitrust
5 exemption sought by the submitting entity under RCW 43.72.310. If
6 a request for such information is received, the submitting entity
7 must be notified of the request. Within ten business days of
8 receipt of the notice, the submitting entity shall provide a
9 written statement of the continuing need for confidentiality,
10 which shall be provided to the requester. Upon receipt of such
11 notice, the department of health shall continue to treat
12 information designated under this section as exempt from
13 disclosure. If the requester initiates an action to compel
14 disclosure under this chapter, the submitting entity must be
15 joined as a party to demonstrate the continuing need for
16 confidentiality.

17 (pp) Records maintained by the board of industrial insurance
18 appeals that are related to appeals of crime victims' compensation
19 claims filed with the board under RCW 7.68.110.

20 (qq) Financial and commercial information supplied by or on
21 behalf of a person, firm, corporation, or entity under chapter
22 28B.95 RCW relating to the purchase or sale of tuition units and
23 contracts for the purchase of multiple tuition units.

24 (rr) Any records of investigative reports prepared by any
25 state, county, municipal, or other law enforcement agency
26 pertaining to sex offenses contained in chapter 9A.44 RCW or
27 sexually violent offenses as defined in RCW 71.09.020, which have
28 been transferred to the Washington association of sheriffs and
29 police chiefs for permanent electronic retention and retrieval
30 pursuant to RCW 40.14.070(2)(b).

31 (ss) Credit card numbers, debit card numbers, electronic check
32 numbers, card expiration dates, or bank or other financial account
33 numbers supplied to an agency for the purpose of electronic
34 transfer of funds, except when disclosure is expressly required by
35 law.

36 (tt) Financial information, including but not limited to
37 account numbers and values, and other identification numbers
38 supplied by or on behalf of a person, firm, corporation, limited

1 liability company, partnership, or other entity related to an
2 application for a liquor license, gambling license, or lottery
3 retail license.

4 (uu) Records maintained by the employment security department
5 and subject to chapter 50.13 RCW if provided to another individual
6 or organization for operational, research, or evaluation purposes.

7 (vv) Individually identifiable information received by the work
8 force training and education coordinating board for research or
9 evaluation purposes.

10 (2) Except for information described in subsection (1)(c)(i) of
11 this section and confidential income data exempted from public
12 inspection pursuant to RCW 84.40.020, the exemptions of this
13 section are inapplicable to the extent that information, the
14 disclosure of which would violate personal privacy or vital
15 governmental interests, can be deleted from the specific records
16 sought. No exemption may be construed to permit the nondisclosure
17 of statistical information not descriptive of any readily
18 identifiable person or persons.

19 (3) Inspection or copying of any specific records exempt under
20 the provisions of this section may be permitted if the superior
21 court in the county in which the record is maintained finds, after
22 a hearing with notice thereof to every person in interest and the
23 agency, that the exemption of such records is clearly unnecessary
24 to protect any individual's right of privacy or any vital
25 governmental function.

26 (4) Agency responses refusing, in whole or in part, inspection
27 of any public record shall include a statement of the specific
28 exemption authorizing the withholding of the record (or part) and
29 a brief explanation of how the exemption applies to the record
30 withheld.

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